

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/2/2005-LA/2273

The Hindu Succession (Amendment) Act, 2005 (Central Act No. 39 of 2005), which has been passed by the Parliament and assented to by the President of India on 5-9-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 6-9-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 9th November, 2005.

### THE HINDU SUCCESSION (AMENDMENT) ACT, 2005

AN

ACT

further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Hindu Succession (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*— In section 4 of the Hindu Succession Act, 1956 30 of 1956. (hereinafter referred to as the principal Act), sub-section (2) shall be omitted.

3. *Substitution of new section for section 6.*— For section 6 of the principal Act, the following section shall be substituted, namely:—

'6. *Devolution of interest in coparcenary property.*— (1) On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,—

(a) by birth become a coparcener in her own right in the same manner as the son;

(b) have the same rights in the coparcenary property as she would have had if she had been a son;

(c) be subject to the same liabilities in respect of the said coparcenary property as that of a son,

and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener:

Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.

(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act, or any other law for the time being in force, as property capable of being disposed of by her by testamentary disposition.

(3) Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2005, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and,—

(a) the daughter is allotted the same share as is allotted to a son;

(b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and

(c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

*Explanation.*— For the purposes of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.

(4) After the commencement of the Hindu Succession (Amendment) Act, 2005, no court shall recognise any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather solely on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt:

Provided that in the case of any debt contracted before the commencement of the Hindu Succession

(Amendment) Act, 2005, nothing contained in this sub-section shall affect—

(a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be; or

(b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2005 had not been enacted.

*Explanation.*— For the purposes of clause (a), the expression "son", "grandson" or "great-grandson" shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act, 2005.

(5) Nothing contained in this section shall apply to a partition, which has been effected before the 20th day of December, 2004.

*Explanation.*— For the purposes of this section "partition" means any partition made by execution of a deed of partition duly registered under the Registration Act, 1908 or partition effected by a decree 16 of 1908. of a court.'

4. *Omission of section 23.*— Section 23 of the principal Act shall be omitted.

5. *Omission of section 24.*— Section 24 of the principal Act shall be omitted.

6. *Amendment of section 30.*— In section 30 of the principal Act, for the words "disposed of by him", the words "disposed of by him or by her" shall be substituted.

7. *Amendment of Schedule.*— In the Schedule to the principal Act, under the sub-heading "Class 1", after the words "widow of a pre-deceased son of a pre-deceased son", the words "son of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son" shall be added.

**Notification**

10/2/2005-LA/2269

The Appropriation (No. 4) Act, 2005 (Central Act No. 35 of 2005), which has been passed by the Parliament and assented to by the President of India on 24-8-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-8-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 9th November, 2005.

**THE APPROPRIATION (No. 4) ACT, 2005**

AN

ACT

*to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 2003, in excess of the amounts granted for those services and for that year.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (No. 4) Act, 2005.

2. *Issue of Rs. 1864,46,59,135 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st day of March, 2003.*— From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand eight hundred sixty-four crores, forty-six lakhs, fifty-nine thousand, one hundred thirty-five rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2003, in excess of the amounts granted for those services and for that year.

3. *Appropriation.*— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2003.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
1	2	3		
		Rs.	Rs.	Rs.
13	Department of Telecommunications..... Capital	15,88,92,479	...	15,88,92,479
23	Department of Development of North-Eastern Region.....Capital	...	1,70,43,400	1,70,43,400
	CHARGED.—Interest Payments.....Revenue	...	1792,90,36,029	1792,90,36,029
30	Transfers to State and Union Territory Governments.....Revenue	36,08,987	...	36,08,987
45	Ministry of Home Affairs.....Revenue	...	2,91,971	2,91,971
47	Police.....Revenue	...	31,37,504	31,37,504
80	Department of Culture.....Revenue	52,69,77,626	...	52,69,77,626
99	Chandigarh.....Revenue	...	38,82,732	38,82,732
	Capital	...	17,88,407	17,88,407
	Total: .....	68,94,79,092	1795,51,80,043	1864,46,59,135

**Notification**

10/2/2005-LA/2270

The Appropriation (Railways) No. 3 Act, 2005 (Central Act No. 36 of 2005), which has been passed by the Parliament and assented to by the President of India on 25-8-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26-8-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 9th November, 2005.

**THE APPROPRIATION (RAILWAYS) No. 3  
ACT, 2005**

AN

ACT

*to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 2003 in excess of the amounts granted for those services and for that year.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 3 Act, 2005.

2. *Issue of Rs. 323,64,94,567 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st day of March, 2003.* — From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred twenty-three crores, sixty-four lakhs, ninety-four thousand, five hundred and sixty-seven rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2003, in excess of the amounts granted for those services and for that year.

3. *Appropriation.*— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the said year ended on the 31st day of March, 2003.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not Exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
3	General Superintendence and Services on Railways.....	...	42,583	42,583
4	Repairs and Maintenance of Permanent Way and Works.....	...	56,91,681	56,91,681
6	Repairs and Maintenance of Carriages and Wagons.....	...	4,87,252	4,87,252
7	Repairs and Maintenance of Plant and Equipment.....	...	4,23,077	4,23,077
8	Operating Expenses—Rolling Stock and Equipment.....	...	2,07,459	2,07,459
9	Operating Expenses—Traffic.....	...	15,00,827	15,00,827
11	Staff Welfare and Amenities.....	...	14,231	14,231
14	Appropriation to Funds.....	211,15,37,616	...	211,15,37,616
15	Dividend to General Revenues, Repayment of Loans taken from General Revenues and Amortization of Over-Capitalization.....	18,29,78,566	...	18,29,78,566
16	Assets— Acquisition, Construction and Replacement— Other Expenditure:			
	Capital.....	...	3,39,49,633	3,39,49,633
	Special Railway Safety Fund.....	89,96,61,642	...	89,96,61,642
	Total:	319,41,77,824	4,23,16,743	323,64,94,567

**Notification**

10/2/2005-LA/2267

The Bihar Appropriation (Vote of Account) No. 2 Act, 2005 (Central Act No. 33 of 2005), which has been passed by the Parliament and assented to by the President of India on 24-8-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-8-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 9th November, 2005.

THE BIHAR APPROPRIATION (VOTE ON  
ACCOUNT) No. 2 ACT, 2005

AN

ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Bihar for the services of a part of the financial year 2005-06.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Bihar Appropriation (Vote on Account) No. 2 Act, 2005.

2. *Withdrawal of Rs. 19572,79,28,000 out of the Consolidated Fund of the State of Bihar for the financial year 2005-06.*— From and out of the Consolidated Fund of the State of Bihar there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Bihar Appropriation (Vote on Account) Act, 2005] to the sum of 12 of 2005. nineteen thousand five hundred and seventy-two crores, seventy-nine lakhs, twenty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2005-06 in respect of the services specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be withdrawn from and out of the Consolidated Fund of the State of Bihar by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**THE SCHEDULE**

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Agriculture Department..... Revenue	482,69,76,000	...	182,69,76,000
2	Animal Husbandry Department..... Revenue	69,83,45,000	...	69,83,45,000
3	Building Construction Department..... Revenue	80,84,42,000	...	80,84,42,000
	Capital	98,18,53,000	...	98,18,53,000
4	Cabinet Secretariat and Coordination Department..... Revenue	5,54,23,000	...	5,54,23,000
	CHARGED.— <i>Secretariat of the Governor</i> ..... Revenue	...	1,91,46,000	1,91,46,000
6	Election..... Revenue	113,88,45,000	...	113,88,45,000
7	Vigilance..... Revenue	5,84,02,000	...	5,84,02,000
8	Civil Aviation Department..... Revenue	3,78,88,000	...	3,78,88,000
	Capital	75,00,000	...	75,00,000
9	Co-operative Department..... Revenue	31,19,88,000	...	31,19,88,000
	Capital	9,35,49,000	...	9,35,49,000
10	Energy Department..... Revenue	10,76,43,000	...	10,76,43,000
	Capital	1050,54,43,000	...	1050,54,43,000
11	Excise and Prohibition Department..... Revenue	13,61,47,000	...	13,61,47,000
12	Finance Department..... Revenue	222,78,04,000	...	222,78,04,000
	Capital	8,33,33,000	...	8,33,33,000
	CHARGED.— <i>Interest Payment</i> ..... Revenue	...	2982,55,46,000	2982,55,46,000
	CHARGED.— <i>Repayment of Loans</i> ..... Capital	...	2374,61,11,000	2374,61,11,000
15	Pension..... Revenue	2059,14,80,000	1,48,32,000	2060,63,12,000
16	National Savings..... Revenue	2,05,35,000	...	2,05,35,000

1	2	3		
		Rs.	Rs.	Rs.
17	Finance (Commercial Tax) Department.....	Revenue	22,74,48,000	22,74,48,000
		Capital	3,75,00,000	3,75,00,000
18	Food, Supply and Commerce Department .....	Revenue	55,34,83,000	55,34,83,000
19	Forest and Environment Department .....	Revenue	43,75,90,000	43,75,90,000
		Capital	60,00,000	60,00,000
20	Health, Medical Education and Family Welfare Department .....	Revenue	701,25,67,000	701,25,67,000
		Capital	17,00,80,000	17,00,80,000
21	Higher Education Department .....	Revenue	507,91,38,000	507,91,38,000
22	Home Department .....	Revenue	968,16,77,000	968,16,77,000
		Capital	56,66,68,000	56,66,68,000
23	Industries Department.....	Revenue	26,53,70,000	26,53,70,000
		Capital	8,80,37,000	8,80,37,000
24	Information and Public Relation Department.....	Revenue	9,95,61,000	9,95,61,000
25	Institutional Finance and Programme Implementation Department.....	Revenue	1,70,44,000	1,70,44,000
26	Labour, Employment and Training Department.....	Revenue	137,47,48,000	137,47,48,000
27	Law Department .....	Revenue	139,64,62,000	139,64,62,000
	CHARGED.—High Court of Bihar.....	Revenue	21,21,43,000	21,21,43,000
29	Mines and Geology Department .....	Revenue	6,37,74,000	6,37,74,000
30	Minorities Welfare Department .....	Revenue	1,90,02,000	1,90,02,000
		Capital	7,43,09,000	7,43,09,000
31	Parliamentary Affairs Department.....	Revenue	52,33,000	52,33,000
32	Legislature.....	Revenue	28,39,18,000	28,51,03,000
33	Personnel and Administrative Reforms Department.....	Revenue	13,32,85,000	13,32,85,000
		Capital	12,33,34,000	12,33,34,000
	CHARGED.—Bihar Public Service Commission.....	Revenue	4,17,17,000	4,17,17,000
35	Planning and Development Department.....	Revenue	213,36,24,000	213,36,24,000
36	Public Health Engineering Department.....	Revenue	109,57,89,000	109,57,89,000
		Capital	185,99,35,000	185,99,35,000
37	Rajbhasa Department.....	Revenue	11,78,18,000	11,78,18,000
38	Registration Department.....	Revenue	20,64,70,000	20,64,70,000
		Capital	41,33,000	41,33,000
39	Disaster Management Department.....	Revenue	114,97,28,000	114,97,28,000
40	Revenue and Land Reforms Department.....	Revenue	197,58,16,000	197,58,16,000
		Capital	2,38,12,000	2,38,12,000
41	Road Construction Department .....	Revenue	210,68,96,000	210,68,96,000
		Capital	443,59,16,000	443,59,16,000
42	Rural Development Department .....	Revenue	861,90,70,000	861,90,70,000
		Capital	408,28,42,000	408,28,42,000
43	Science and Technology Department.....	Revenue	17,18,62,000	17,18,62,000
		Capital	82,50,000	82,50,000
44	Secondary, Primary and Adult Education Department .....	Revenue	2819,90,91,000	2819,90,91,000
		Capital	2,48,53,000	2,48,53,000
45	Sugarcane Department .....	Revenue	9,72,99,000	9,72,99,000
		Capital	4,23,000	4,23,000
46	Tourism Department .....	Revenue	2,85,20,000	2,85,20,000
		Capital	4,68,75,000	4,68,75,000
47	Transport Department.....	Revenue	6,88,00,000	6,88,00,000
		Capital	7,50,000	7,50,000
48	Urban Development Department .....	Revenue	148,44,68,000	148,44,68,000
		Capital	10,59,03,000	10,59,03,000

1	2	3		
		Rs.	Rs.	Rs.
49	Water Resources Department .....	Revenue	211,69,97,000	211,69,97,000
		Capital	596,09,34,000	596,09,34,000
50	Minor Irrigation Department .....	Revenue	216,60,30,000	216,60,30,000
		Capital	53,23,38,000	53,23,38,000
51	Welfare Department .....	Revenue	544,27,88,000	544,27,88,000
		Capital	39,64,000	39,64,000
52	Youth, Art and Culture Department .....	Revenue	17,91,05,000	17,91,05,000
		Capital	83,25,000	83,25,000
Total:.....		14186,72,48,000	5386,06,80,000	19572,79,28,000

**Notification**

10/2/2005-LA

The following Order received from Government of India, Ministry of Law and Justice, Legislative Department, New Delhi, is hereby published for the general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 2nd December, 2005.

**MINISTRY OF LAW AND JUSTICE****(Legislative Department)****Notification**

New Delhi, the 7th June, 2005

G.S.R. 376(E).— The following Order made by the President is published for general information:—

**"C.O.209"****THE CONSTITUTION (DISTRIBUTION OF REVENUES)**

No. 5 Order, 2005

In exercise of the powers conferred by article 270 of the Constitution, the President, after having considered the recommendations of the Twelfth Finance Commission, hereby makes the following Order, namely:—

1. This Order may be called the Constitution (Distribution of Revenues) No. 5 Order, 2005.

2. The General Clauses Act, 1897 (10 of 1897) shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) The percentage of the net proceeds of taxes and duties referred to in clause (1) of article 270, other than the service tax, which are to be assigned to the States under clause (2) of that article, in each financial year commencing on and after the 1st day of April, 2005 but ending before the 1st day of April, 2010, shall be twenty-nine and one-half per cent., which shall be distributed among the States as follows:—

**TABLE**

State	Percentage
(1)	(2)
Andhra Pradesh	7.356
Arunachal Pradesh	0.288
Assam	3.235
Bihar	11.028
Chhattisgarh	2.654
Goa	0.259
Gujarat	3.569
Haryana	1.075
Himachal Pradesh	0.522
Jammu and Kashmir	1.297
Jharkhand	3.361
Karnataka	4.459
Kerala	2.665
Madhya Pradesh	6.711
Maharashtra	4.997
Manipur	0.362
Meghalaya	0.371
Mizoram	0.239
Nagaland	0.263
Orissa	5.161
Punjab	1.299
Rajasthan	5.609
Sikkim	0.227
Tamil Nadu	5.305
Tripura	0.428
Uttar Pradesh	19.264
Uttaranchal	0.939
West Bengal	7.057

(2) The twenty-nine and one-half per cent of the net proceeds of the service tax, being the tax referred to in clause (1) of article 270, which are to be assigned to the States under clause (2) of that article, in each financial year commencing on and after the 1st day of April, 2005 but ending before the 1st day of April, 2010, shall be distributed among the States as follows:—

TABLE

State	Percentage
(1)	(2)
Andhra Pradesh	7.453
Arunachal Pradesh	0.292
Assam	3.277
Bihar	11.173
Chhattisgarh	2.689
Goa	0.262
Gujarat	3.616
Haryana	1.089
Himachal Pradesh	0.529
Jharkhand	3.405
Karnataka	4.518
Kerala	2.700
Madhya Pradesh	6.799
Maharashtra	5.063
Manipur	0.367
Meghalaya	0.376
Mizoram	0.242
Nagaland	0.266
Orissa	5.229
Punjab	1.316
Rajasthan	5.683
Sikkim	0.230
Tamil Nadu	5.374
Tripura	0.433
Uttar Pradesh	19.517
Uttaranchal	0.952
West Bengal	7.150:

Provided that where in any year the service tax become leviable in the State of Jammu and Kashmir, each State including the Jammu and Kashmir shall be given a share as specified against it in column (2) of the Table to sub-paragraph (1) of paragraph 3.

4. One per cent of the net proceeds of taxes and duties other than service tax, referred to in clause (1) of article 270, which are to be assigned to the States under clause (2) of that article, in each financial year commencing on and after the 1st day of April, 2005 but ending before the 1st day of April, 2010 but not later than the date with effect from which tax rental arrangement under the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) is terminated shall be distributed among the States as follows:—

State	Percentage
(1)	(2)
Goa	0.262
Gujarat	3.616
Haryana	1.089
Himachal Pradesh	0.529
Jharkhand	3.405
Karnataka	4.518
Kerala	2.700
Madhya Pradesh	6.799
Maharashtra	5.063
Manipur	0.367
Meghalaya	0.376
Mizoram	0.242
Nagaland	0.266
Orissa	5.229
Punjab	1.316
Rajasthan	5.683
Sikkim	0.230
Tamil Nadu	5.374
Tripura	0.433
Uttar Pradesh	19.517
Uttaranchal	0.952
West Bengal	7.150:

Provided that no share shall be payable to a State in a year where that State levies any tax or duty on the sale or purchase of any of the goods described in column (3) of the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957):

Provided further that where in any year the service tax become leviable in the State of Jammu and Kashmir, each State including the State of Jammu and Kashmir shall be given a share as specified against it in column (2) of the Table to paragraph 4.

6. If in any year during the period 2005-2010, a tax under Union is not leviable in a State, the share of that State in that tax shall be put to zero and the entire proceeds shall be distributed among the remaining States by proportionately adjusting their shares.

7. The Constitution (Distribution of Revenues) No. 5 Order, 2000, shall, as from the 1st day of April, 2005, stand repealed.

8. Any sum or sums paid to a State in excess of its entitlement shall be recoverable in the same or a subsequent year.

A. P. J. ABDUL KALAM,  
President.

[F. No. 19(6)/2005-L.I.]  
T. K. VISWANATHAN, Secy.